



PLANNING COMMISSION AGENDA REPORT

VI.2

MEETING DATE: JULY 13, 2009

ITEM NUMBER:

**SUBJECT: TIME EXTENSION FOR PLANNING APPLICATION PA-07-19
DESIGN REVIEW FOR SEVEN UNIT RESIDENTIAL COMMON-INTEREST
DEVELOPMENT AT 351 W. BAY STREET**

DATE: JUNE 3, 2009

**FOR FURTHER INFORMATION CONTACT: MINOO ASHABI, AIA, SENIOR PLANNER
714-754-5610 (mashabi@ci.costa-mesa.ca.us)**

DESCRIPTION

The property owner is requesting an extension of time for a design review to construct a seven-unit, two-story detached residential common-interest development located at 351 W. Bay Street including the following:

- Administrative adjustment from the front yard setback (20 ft. required; 13 feet proposed);
- Minor modification from rear yard setback for second floor (20 ft. required; 16 ft. proposed);
- Minor modification for an eight feet high block wall on front setback (6 feet allowed; 8 feet proposed); and,
- Deviations from Residential Design Guidelines for second-to-first floor ratio (80% maximum recommended; 90% proposed) and second floor left side setback (10 ft. average recommended; 5 ft. proposed).

APPLICANT

Garrett Calacci of Waterpointe development is the authorized agent for Richard and John Dick property owners.

RECOMMENDATION

Approve the time extension to be valid to January 2, 2011 by adoption of Planning Commission resolution, subject to conditions.

MINOO ASHABI, AIA
Senior Planner

KHANH NGUYEN
Acting Asst. Development Svs. Director

BACKGROUND

Design Review PA-07-19

The property is located on south side of W. Bay Street across from Thurin Avenue. It is zoned R2-MD (Multiple Family Residential – Medium Density) and has a General Plan designation of Medium Density Residential. The lot formerly contained Tropic Trailer Ports Park. The Closure Impact Report and homeowner relocation measures were considered by the City Council on November 21, 2006 and the site was subsequently vacated. The mobile homes have been removed from the site, and the site is currently secured and screened with a chain link fence.

On January 2, 2008, the City Council on a 4-0 vote approved Design Review PA-07-19 and Tentative Tract Map T-17176 for the construction of a seven-unit, two-story detached residential condominium development. The project also included General Plan Amendment GP-07-03 to change the land use designation from (General Commercial) to (Medium Density Residential) and Rezone R-07-06 from C2 (General Business) to R2-MD (Multi-Family Residential – Medium Density).

The City Council staff report and meeting minutes for the design review can be viewed on the City's website at the links below:

PA-07-19 Report

<http://www.ci.costa-mesa.ca.us/council/agenda/2008-01-02/010208GP0703R0706PA0719.pdf>

PA-07-19 Minutes

<http://www.ci.costa-mesa.ca.us/council/minutes/2008-01-02.pdf>

Tract Map T-17176

On January 2, 2008, Council approved Tentative Tract Map T-17176 to subdivide the property for residential condominium purposes. The map approval was valid for two years. However, Senate Bill 1185 was passed in July 2008 which allowed the two-year approval period for specified maps to be automatically extended by an additional year. In accordance with Government Code Section 66452.21, Tentative Tract Map T-17176 is therefore valid to January 2, 2011.

ANALYSIS

The 0.77-acre project site is proposed to be developed with seven detached single-family residences with cottage style architecture. The plans are generally provided in two types (with slight variations) as follows:

- Plan 1 - 4 bedroom/2 ½ bath front unit (average 2,228 square feet) with standard two-car garage and 19-foot long driveway from the interior street.
- Plan 2 - 4 bedroom/2 ½ bath rear unit (average 2,288 square feet) with standard two-car garage and 19-foot long driveway from the interior street.

This proposed project included a minor modification with respect to second floor rear yard setback and an increase in the height of block wall on Bay Street to eight feet. In addition, the project deviates from the Residential Development Standards in side setback and second-to-first floor ratio; however, Commission determined the project provides architectural interest and is compatible with the neighborhood.

A recorded tract map is required prior to the issuance of building permits for the condominium units. The applicant submitted grading plans for plan check in April, 2009 and had intended to proceed with the project. However, due to economic conditions, the applicant was not able to secure funding and the time extension application was delayed. In addition, the applicant has not recorded the tract map and, as a result, cannot obtain building permits prior to the expiration of the design review approval. Since applicable Code sections and residential design guidelines have not changed since Commission's approval of the design review, staff accepted submittal of the delayed application and recommends approval of the time extension with the recommended new conditions.

Additionally, because building permits cannot be issued without proof of recordation of the parcel map, staff recommends that the valid timeframe for the design review approval coincide with the expiration of the parcel map. Due to an automatic one-year extension granted to specified subdivision maps by the State Legislature, the map approval is valid to January 2, 2011. Therefore, staff recommends that the time extension for the design review be valid until that date.

New Conditions

Since approval of the project, construction fencing has been installed at the ultimate block wall location. Given the location of the adjacent driveway to the east of the site, additional setback for the block wall is recommended by staff to provide better visibility for egress traffic. The following new conditions included in the attached Exhibit 1 are recommended to be added:

- Any fence or block wall in the rear yard of Lot 1 shall be set back by a minimum of 5 feet to provide increased visibility from motor vehicles at the curve on West Bay Street. The measure of 5 feet shall be taken at the angle point of the fence opposite Thurin Street and tapered to the eastern most corner of the lot. Contact Transportation Services for details of fence location.
- Landscaping within the setback around the curve of West Bay Street and adjacent to the proposed drive approach shall be limited to turf or low ground cover to ensure adequate visibility from motor vehicles. Contact Transportation Services for details on limits on various types of landscaping.

ALTERNATIVES

If the time extension for the design review is denied, the tentative parcel map to subdivide the property for condominium purposes will still be valid until January 2, 2011, but the applicant would not have a corresponding development project. The applicant could not file a similar request for six months.

CONCLUSION

Approval of the time extension would allow the applicant additional time to obtain building permits in order to move forward with construction. Staff recommends approval of the time extension, given that applicable Code sections and residential design guidelines have not changed since the original approval and that the State Legislature has extended the life of certain subdivision maps by an additional year.

Attachments: 1 Planning Commission Approval and Denial Resolutions
 2 Applicant's Time Extension Request Letter
 3 Location Map
 4 Exhibit of Visibility Triangle Area
 5 Plans

cc: Acting Development Svs. Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Richard and John Dick
190 Newport Center Drive, #220
Newport Beach, CA 92660

Waterpointe Development
Garrett Calacci
190 Newport Center Drive, # 220
Newport Beach, CA 92660

File: 071309PA0719TimeExt	Date: 070209	Time: 1:30 p.m.
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RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING A TIME EXTENSION
FOR PLANNING APPLICATION PA-07-19**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the project site is real property located at 351 West Bay Street totaling 0.77 acre;

WHEREAS, the project involves the following: (1) General Plan Amendment GP-07-03 to change the general plan land use designation from General Commercial to Medium Density Residential; (2) Rezone R-07-06 for a rezone of the property from C2 (General Business) to R2-MD (Multiple-Family Residential – Medium Density); (3) Planning Application PA-07-19 for a Design Review for a 7-unit two-story, single-family, detached small-lot common-interest development; and (4) Tentative Tract Map T-17176 to subdivide the property for condominium purposes;

WHEREAS, on January 2, 2008, City Council approved PA-07-19 by adoption of Resolution No. 08-2, attached hereto as Exhibit “2”;

WHEREAS, on January 2, 2008, City Council approved Tentative Tract Map T-17176 to subdivide the property for residential condominium purposes. In accordance with State of California Government Code Section 66452.21, the expiration date of this subdivision map is automatically extended for an additional year, to January 2, 2011;

WHEREAS, a time extension request for PA-07-19 was filed by Garrett Calacci on behalf of property owners Richard and John Dick;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 13, 2009 with all persons having the opportunity to speak for and against the project;

WHEREAS, the time extension does not change the previously-adopted findings and conditions of approval for Planning Application PA-07-19, as specified in Exhibits “B” and “C” respectively, of Resolution No. 08-2. These findings and conditions of approval in their entirety are still applicable to the proposed project;

WHEREAS, new conditions are added as shown in Exhibit 1 to specify the location of block walls to ensure adequate visibility for motor vehicles; and,

WHEREAS, the applicable zoning regulations and residential design guidelines at the time of project approval have not significantly changed, and are therefore still relevant to the proposed project.

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby **APPROVES** an extension of time for Planning Application PA-07-19 to be valid to **January 2, 2011** with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-07-19. This action is also based on the evidence in the record and findings and subject to the applicant's compliance with each and all of the conditions as specified herein and in Resolution No. 08-2.

PASSED AND ADOPTED this 13th day of July 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Assistant Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 13, 2009, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Claire Flynn, Assistant Secretary
Costa Mesa Planning Commission

EXHIBIT "1"

CONDITIONS OF APPROVAL

- Trans. 1. Any fence or block wall in the rear yard of Lot 1 shall be set back by a minimum of 5 feet to provide increased visibility from motor vehicles at the curve on West Bay Street. The measure of 5 feet shall be taken at the angle point of the fence opposite Thurin Street and tapered to the eastern most corner of the lot. Contact Transportation Services for details of fence location.
2. Landscaping within the setback around the curve of West Bay Street and adjacent to the proposed drive approach shall be limited to turf or low ground cover to ensure adequate visibility from motor vehicles. Contact Transportation Services for details on limits on various types of landscaping.

EXHIBIT "2"

RESOLUTION NO. 08-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING THE FOLLOWING: (1) PLANNING APPLICATION PA-07-19; AND (2) TENTATIVE TRACT MAP T-17176 AT 351 WEST BAY STREET.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, an application was filed by Garrett Calacci of Waterpointe Development, as authorized agent for property owners, Richard and John Dick;

WHEREAS, the project site is real property located at 351 West Bay Street totaling 0.77 acre;

WHEREAS, the proposed project involves the following: (1) General Plan Amendment GP-07-03 to change the general plan land use designation from General Commercial to Medium Density Residential; (2) Rezone R-07-06 for a rezone of the property from C2 (General Business) to R2-MD (Multiple-Family Residential – Medium Density); (3) Planning Application PA-07-19 for a Design Review for a 7-unit two-story, single-family, detached small-lot common-interest development; and (4) Tentative Tract Map T-17176 to subdivide the property for condominium purposes;

WHEREAS, Planning Application PA-07-19 also includes an administrative adjustment for the front setback (20-foot setback required, 13-foot setback proposed), minor modification for the rear second-floor setback (20-foot setback required, 16-foot setback proposed); minor modification for block wall height (6-foot height allowed, 8-foot height proposed); and minor deviations from the Residential Design Guidelines for the second-story massing (80% maximum allowed, 92% proposed) and second-story side setbacks (10-foot average allowed, 5-foot average proposed);

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 10, 2007 and by City Council on January 2, 2008 to allow for public comment on the proposed project and with all persons having been given the opportunity to be heard both for and against the proposed project;

WHEREAS, the Planning Commission adopted Resolution PC-07-87 which recommended the following actions to City Council: (1) approved General Plan Amendment GP-07-03; give first reading to Ordinance for Rezone-07-06 to change the zoning classification of the 0.77-acre property from C2 (General Business) to R2-MD (Multiple Family Residential – Medium Density); (3) approve Planning Application PA-07-19; and Tentative Tract Map T-17176, subject to conditions;

WHEREAS, General Plan Amendment GP-07-03 to change the general plan land use designation from General Commercial to Medium Density Residential, provided as Attachment 3 of staff report, was adopted by separate motion;

WHEREAS, Rezone Ordinance R-07-06 to change the zoning classification of the 0.77-acre subject site from C2 (General Business) to R2-MD (Multiple Family Residential – Medium Density), is provided as Attachment 4 of staff report, and is to be approved by separate motion;


WHEREAS, the proposed project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "B", subject to the conditions contained in Exhibit "C", the **CITY COUNCIL APPROVES** Planning Application PA-07-19 and Tentative Tract Map T-17176.

BE IT FURTHER RESOLVED that the City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for General Plan Amendment GP-07-03/Rezone R-07-06/Planning Application PA-07-19/Tract Map T-17176 and upon applicant's compliance with each and all of the conditions contained in Exhibit "C", as well as with compliance of all applicable federal, state, and local laws. Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, this

Resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 2nd day of January, 2008.



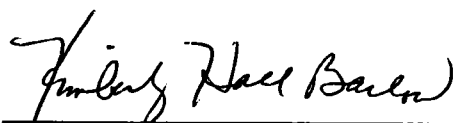
Mayor

ATTEST:



Julie Folcik, City Clerk

APPROVED AS TO FORM:



Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 08-2 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 2nd day of January, 2008, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: BEVER, MANSOOR, DIXON, LEECE

NOES: COUNCIL MEMBERS: NONE

ABSENT: COUNCIL MEMBERS: FOLEY

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 3rd day of January, 2008.



JULIE FOLCIK, CITY CLERK

(SEAL)

EXHIBIT "B"**FINDINGS**

- A. The proposed design review for a residential common interest development project and related improvements provide for residential home ownership and are in conformance with the goals, policies, and objectives of the Costa Mesa General Plan and provisions of the Zoning Code. Specifically, the design review is in conformance with the broader goals of the General Plan for a single-family residential condominium project and exhibits excellence in design, site planning, integration of uses and structures and protection of the integrity of neighboring development. While the proposed development project includes an administrative adjustment from the front setback requirement and minor modifications from the rear setback requirement and perimeter wall height, the overall development represents a desirable product type in conformance with the General Plan.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
- a. The proposed development and use is compatible and harmonious with uses both onsite as well as those on surrounding properties. Specifically, the proposed medium-density residential development is compatible with the multi-family residential use to the west and mobile home park to the south/southeast.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered. The project shall provide a standard residential drive approach from West Bay Street that shall be ungated to avoid vehicle queuing from the public street.
 - c. The planning application is for a project-specific case and does not establish a precedent for future development.
 - d. The cumulative effects of Planning Application PA-07-19, and Tract Map T-17176 have been considered.
- C. The project meets the purpose and intent of the Residential Design Guidelines which are intended to promote design excellence in new residential construction, with consideration given to compatibility with the established residential community. Although the proposed units exceed the 80 percent second floor to first floor ratio recommended in the City's Residential Design Guidelines, the building massing will be primarily visible from within the development. Additionally, architectural treatments provide visual enhancements in the place of physically articulated wall planes. Lastly, the project exceeds the minimum average 10-foot side setback along the right side property line as recommended by the Residential Design Guidelines. Although two homes along the left side property line contain 5-foot setbacks on the 2nd story, a condition has been included to provide treatment to the elevation such as wood shutters or banding to break up the elevation and meet the intent of the Residential Design Guidelines. Varied building materials and architectural elements (custom garage doors, wrought iron fencing, wooden shutters, stucco elements, enhanced entry porches, and balconies) also contribute to a well-designed residential project.

- D. The information presented substantially complies with Section 13-29(g)(1) of the Costa Mesa Municipal Code:
 - a. Because of special circumstances (irregular lot shape) applicable to the property, the strict application of the front setback requirement (20 ft. required, 13 ft. proposed) would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification.
 - b. The administrative adjustment granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
 - c. The granting of the administrative adjustment will not allow a use, density, or intensity which is not in accordance with the General Plan designation, as amended.
- E. The information presented substantially complies 13-29(g)(6) of the Costa Mesa Municipal Code.
 - a. The minor modifications from the 2nd story rear setback requirement (20 ft. required, 16 ft. proposed) and 8-foot block wall for noise attenuation purposes will not be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the project or to the property and improvements within the neighborhood.
 - b. The minor modifications are compatible and enhance the architecture and design of the proposed single-family residential development. This includes the site planning of the residential structures, land coverage, landscaping, appearance, scale of structures, and open space areas which contribute to a compatible and attractive development.
- G. In accordance with State Law, the project has been reviewed for compliance with the California Environmental Quality Act and is considered an exempt activity under CEQA Guidelines Section 15332, Class 32, related to infill development. Thus, the evidence presented in the record as a whole indicates that the project will not individually or cumulatively have an adverse effect on the environment.
- H. The proposed project complies with minimum requirements for fire apparatus access through the provision of a minimum 20-foot wide drivable area. Due to the 223-foot depth of the lot, the challenges associated with fire access may be minimized by the installation of residential sprinkler systems for all dwelling units pursuant to the direction of the Fire Marshal.
- I. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- J. The future subdivision for condominium purposes and development of the property will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights- of-way and/or easements within the tract. The subdivision map application shall be processed and approved by the City prior to issuance of building permits to ensure compliance with the Subdivision Map Act requirements and provision of ownership dwelling units.

- K. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code). The project site is serviced by the north drainage basin that eventually drains into the Fairview Sewer Trunk. The Fairview Sewer Trunk currently peaks daily at approximately 50 to 75 percent capacity. Given the project site was previously developed with residential uses, the exiting sewer facilities are expected to adequately serve the proposed project.
- L. The proposed use of the subdivision is for residential ownership purposes which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.
- M. The subject property is physically suitable to accommodate Tract Map T-17176 in terms of type, design, and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan. The lot sizes of the proposed project exceed the minimum and average lot sizes required of small-lot common interest developments. In addition, the applicant is not proposing the maximum units allowed within the proposed Medium Density Residential designation. A maximum of 9 dwelling units would be permitted; the applicant is proposing a 7-unit project.
- N. The subdivision will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the subdivision.

EXHIBIT "C"**CONDITIONS OF APPROVAL**

- Plng.
1. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc, shall be blueprinted on the site plan and on all floor plans in the working drawings.
 2. The approval of PA-07-19 and T-17176 is contingent upon City Council's final approval of General Plan Amendment GP-07-03 and Rezone R-07-06. This approval shall not become effective until all other discretionary approvals are final and become effective.
 3. Prior to issuance of building permits, applicant shall contact the U.S. Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
 4. The conditions of approval or code provisions of PA-07-019/T-17176 shall be blueprinted on the face of the site plan as part of the plan check submittal package. The project shall comply with these requirements.
 5. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties. No cross lot drainage to adjacent properties shall be allowed.
 6. To avoid an alley-like appearance, the private street shall not be entirely paved with asphalt nor be developed with a center concrete swale. The entry/exit drive of the private street shall be made of stamped concrete or pervious pavers. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.
 7. The final landscape plan shall include recommended trees from the Appendix B and Appendix D of the Streetscape and Median Development Standards. Specifically, the front landscaped setback shall include *Pinus canariensis* (Canary Island Pine) or other tree species as deemed acceptable by the Development Services Director.
 8. The site plan submitted with initial working drawings shall contain a notation specifying that the project is a single-family detached, small-lot, common interest development and shall specify the ultimate interior property lines.
 9. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 10. Prior to issuance of building permits, applicant shall submit an acoustical study completed by a qualified acoustical engineer to verify the minimum height requirements for a sound wall or minimum building construction standards to

- comply with the City's Noise Ordinance for interior and exterior areas of the residential development.
11. Prior to issuance of certificate of occupancy, the applicant shall construct a minimum 6-foot tall decorative block/sound wall around the perimeter of the project site. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them and/or provide adequate privacy screening by trees and landscaping. The block wall shall be constructed of slumpstone block at least 6 inches thick and shall be of consistent color and texture (Orco Block – La Paz) or match any existing masonry walls within the immediate street segment. Brick trim caps are required on all block walls. Refer to Section 8.06 of the City's Streetscape and Median Development Standards or contact the Planning Division for more information on this requirement.
12. The two homes along the left side property line that contain 5-foot setbacks on the 2nd story (Lots 2 and Lot 3) shall contain additional architectural treatment such as wood shutters, stucco elements, differing surface materials (i.e. brick veneer, stacked stone, etc.) to provide visual relief/visual interest along this elevation, as deemed acceptable by the Planning Division.
13. The applicant shall contact the current cable service provider prior to issuance of building permits to arrange for pre-wiring for future cable communication service.
14. To the fullest extent possible, the landscape plan shall feature 24-inch box trees and 5-gallon shrubs that exceed the minimum size requirements of trees and shrubs as described in the City's landscaping standards to the satisfaction of the Development Services Director. The landscape plan shall also show decorative treatment (i.e. concrete pavers, brick, aggregated) within the private driveway. The landscape plan shall be approved prior to issuance of building permits.
15. If the project is constructed in phases, the decorative perimeter block/noise wall, landscaping within the street setback areas, and irrigation shall be installed prior to the release of utilities for the first phase.
16. No modification(s) of the approved building elevations including, but not limited to, changes that increase the building height, removal of building articulation, design modifications, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process, or in the requirement to modify the construction to reflect the approved plans.
17. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
18. The two guest parking spaces shall be clearly distinguished as "visitor parking" either by signage, labeling the wheel stops, or other means as deemed appropriate by the Development Services Director prior to issuance of the first certificate of occupancy.
19. Applicant shall submit floor plans for all models, including reverse plan models, with the working drawings for plan check.
20. There shall be minimal nighttime lighting, primarily security purposes, of the common areas. Any lighting under the control of the applicant shall be directed in such a manner so as to not unreasonably interfere with the quiet enjoyment of the nearby residences abutting the project site.
21. Demolition permits for any existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that

written notice to the Air Quality Management District may be required ten (10) days prior to demolition.

22. All backflow prevention devices, transformers, and other utility or ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Staff. The applicant shall show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.) on the initial working plans.
23. The project site shall be graded in a manner to eliminate the necessity of retaining walls within the project site to the maximum extent feasible. This condition excludes the proposed perimeter retaining walls along the development lot lines.
24. Applicant shall submit a written determination from the Sanitary District and/or any contract trash collection service that on-site trash collection service can be provided to each individual dwelling unit. In addition, applicant shall sign and record a land use restriction prohibiting trash collection in the public right-of-way; if adequate, screened on-site storage for trash containers is provided; and with a limitation of no more than two trash containers per dwelling unit. Proof of compliance will be required prior to issuance of building permits.
25. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and between the hours of 8 a.m. and 6 p.m. on Saturday. Construction is prohibited on Sundays and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
26. Prior to issuance of building permits, the applicant shall provide the Conditions, Covenants, and Restrictions (CC&Rs) to the Development Services Director and City Attorney's office for review. The CC&Rs must be in a form and substance acceptable to, and shall be approved by the Development Services Director and City Attorney's office. The CC&Rs shall contain provisions that effectively implement the following parking-related requirements: (1) require that the homeowner's association (HOA) require homeowners to maintain a 20' x 20' unobstructed area in their enclosed garages to allow parking of two vehicles instead of any other purpose (e.g. storage); (2) require that the HOA contract with a towing service to enforce the parking regulations; and (3) require guest/visitor open parking spaces to be available for use for everyone in the development, inclusive of guests, residents, and any other authorized persons. Any subsequent revisions to the CC&Rs related to these parking provisions must be reviewed and approved by the City Attorney's office and the Development Services Director before they become effective.
27. Applicant shall provide proof of establishment of a homeowner's association prior to release of any utilities.
28. Garages for individuals units shall be equipped with automatic garage door openers and 16' wide, roll-up garage doors.
29. The final tract map shall reflect the accurate configuration of Lot A to include two guest parking spaces, as shown in the approved site plan.
- Bldg. 30. Applicant shall submit a soils report to the Building Division for this project concurrently with the submission of grading plans. One boring shall be at least 15 feet deep. Soils report recommendations shall be blueprinted on the plans.
31. Applicant shall submit grading, drainage, and erosion control plans for this project.
- Trans. 32. Applicant shall close unused drive approach(es) with curb and gutter.

33. The Type II residential drive approach shall be constructed to suit approved entry design to the satisfaction of the Transportation Manager. Drive aisles, parking stall configurations, and turning radius must comply with the City's parking design standards. Applicant shall comply with minimum clearance requirements from property lines and vertical obstructions.
34. Vehicle Entry/Security gates shall be prohibited unless an acceptable security gate plan is approved by the Transportation Manager at a later date.
- Eng. 35. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.
36. Applicant shall contact the Engineering Division to discuss requirements for on-site retention of stormwater flows.
37. Applicant shall comply with all of the engineering conditions for Tract Map T-17176 as set forth in the City Engineer's letter to the applicant dated September 10, 2007.
- Fire 38. Overhangs, eaves, awnings, etc. shall not encroach into the fire access area along the driveway.
39. Street address numerals shall be a minimum 6 inches in height with not less than ½-inch stroke and shall contrast sharply with the background.
40. All streets/private drives less than 24 feet wide shall be posted "No parking fire lane" per Vehicle Code Section 122500.1 and in accordance with the Costa Mesa Fire Department Standard Guidelines of Emergency Access.
41. Provide approved smoke detectors to be installed in accordance with the 2001 Edition of the Uniform Fire Code.
42. Provide Residential Fire Sprinklers per NFPA Standard 13D for all dwelling units.

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING AN EXTENSION OF TIME
FOR PLANNING APPLICATION PA-07-19**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Garrett Calacci on behalf of property owners Richard and John Dick, requesting approval of a time extension for a design review to construct seven, two-story condominium units, in the R2-MD zone;

WHEREAS, the project site is real property located at 351 West Bay Street totaling 0.77 acre;

WHEREAS, the proposed project involves the following: (1) General Plan Amendment GP-07-03 to change the general plan land use designation from General Commercial to Medium Density Residential; (2) Rezone R-07-06 for a rezone of the property from C2 (General Business) to R2-MD (Multiple-Family Residential – Medium Density); (3) Planning Application PA-07-19 for a Design Review for a 7-unit two-story, single-family, detached small-lot common-interest development; and (4) Tentative Tract Map T-17176 to subdivide the property for condominium purposes;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 13, 2009 with all persons having the opportunity to speak for and against the project;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** a second time extension for Planning Application PA-07-19 with respect to the property described above.

PASSED AND ADOPTED this 13th day of July 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Assistant Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 13, 2009, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Claire Flynn, Assistant Secretary
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is not compatible with developments in the same general area. Granting the time extension will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity.
- B. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - a. The proposed development and use is not compatible and harmonious with uses both onsite as well as those on surrounding properties.
 - b. The use is not consistent with the General Plan.
 - c. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. The Costa Mesa Planning Commission has denied time extension request of PA-07-19. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

April 28, 2009

City of Costa Mesa
Planning Division
77 Fair Drive
Costa Mesa, CA 92628

Dear Planning Division,

I would like to hereby request an extension on the approvals that we received in 2007 and 2008 on our property at 351 Bay Street. It is still our intention to construct the seven single family residences under the tentative map that was previously approved. Due to economic conditions we were unable to obtain the financing necessary to commence construction on this project until this time. I am attaching the original justification letter for your review. Thank you for your consideration.

Best Regards,



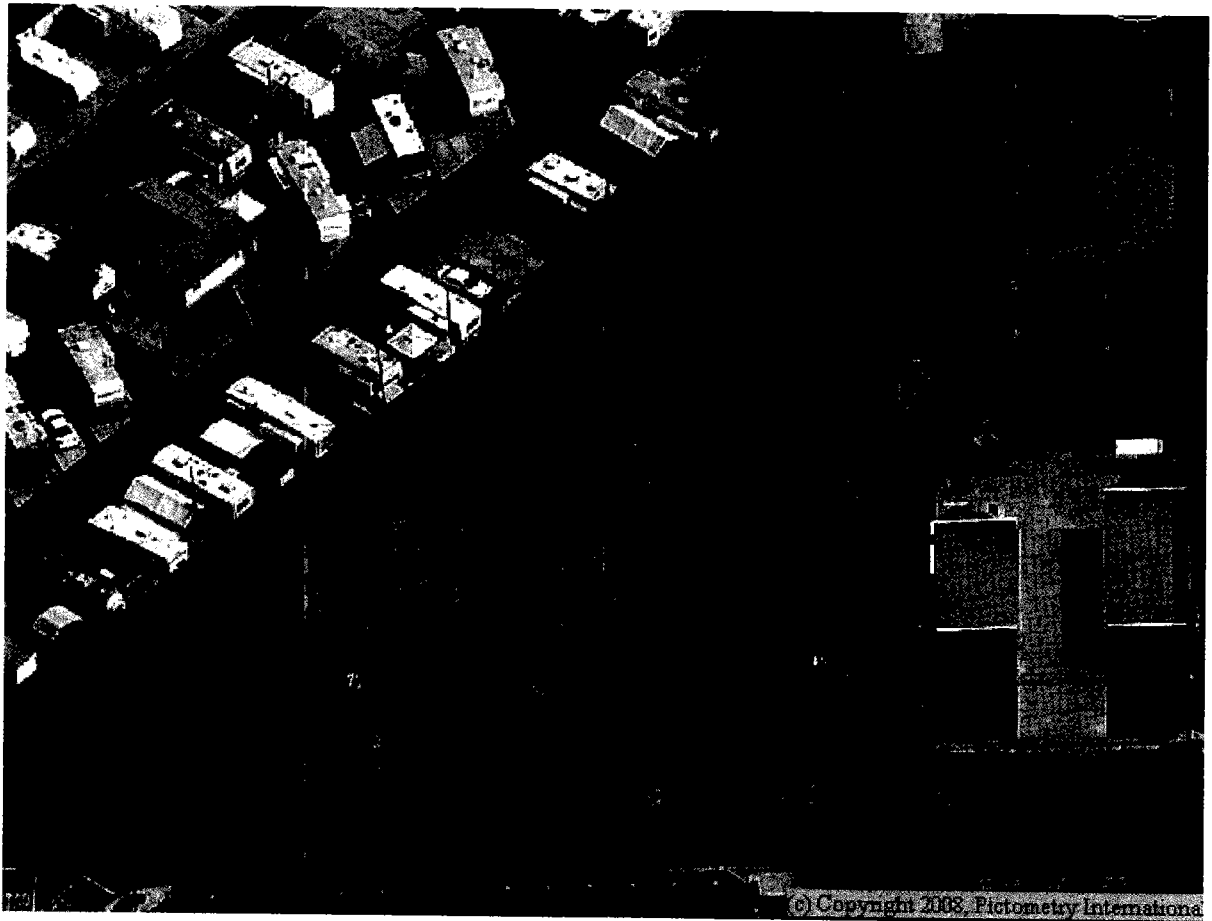
Garrett Calacci

ATTACHMENT 3

Location Map

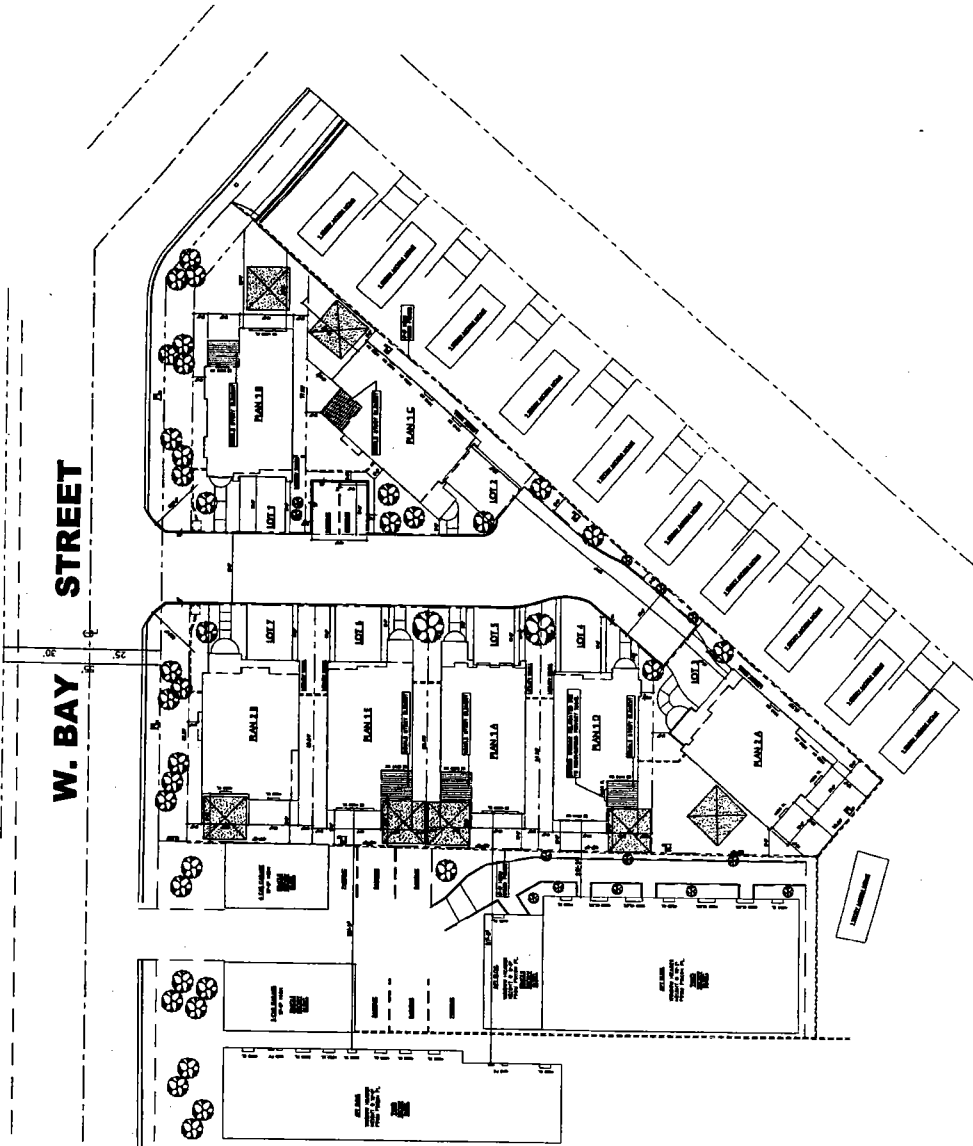
351 W. Bay Street

PA-07-19



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25



SITE PLAN

SCALE: 1/32" = 1'-0"

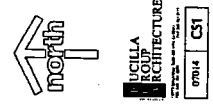
BAY STREET

SINGLE FAMILY DETACHED
COSTA MESA, CALIFORNIA

WATERPOINTE DEVELOPMENT COMPANY

PROJECT SUMMARY

DEVELOPMENT	LOT SIZE	33,577 SQ.
LOT AREA INCL. LOT AREAS COMMON AREA	LOT #1	3,375 SQ.
	LOT #2	3,375 SQ.
	LOT #3	3,375 SQ.
	LOT #4	3,375 SQ.
	LOT #5	3,375 SQ.
	LOT #6	3,375 SQ.
	LOT #7	3,375 SQ.
	LOT #8	3,375 SQ.
	LOT #9	3,375 SQ.
	LOT #10	3,375 SQ.
	LOT #11	3,375 SQ.
	LOT #12	3,375 SQ.
	LOT #13	3,375 SQ.
	LOT #14	3,375 SQ.
	LOT #15	3,375 SQ.
	LOT #16	3,375 SQ.
	LOT #17	3,375 SQ.
	LOT #18	3,375 SQ.
	LOT #19	3,375 SQ.
	LOT #20	3,375 SQ.
	LOT #21	3,375 SQ.
	LOT #22	3,375 SQ.
	LOT #23	3,375 SQ.
	LOT #24	3,375 SQ.
	LOT #25	3,375 SQ.
	LOT #26	3,375 SQ.
	LOT #27	3,375 SQ.
	LOT #28	3,375 SQ.
	LOT #29	3,375 SQ.
	LOT #30	3,375 SQ.
	LOT #31	3,375 SQ.
	LOT #32	3,375 SQ.
	LOT #33	3,375 SQ.
	LOT #34	3,375 SQ.
	LOT #35	3,375 SQ.
	LOT #36	3,375 SQ.
	LOT #37	3,375 SQ.
	LOT #38	3,375 SQ.
	LOT #39	3,375 SQ.
	LOT #40	3,375 SQ.
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	LOT #74	3,375 SQ.
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	LOT #92	3,375 SQ.
	LOT #93	3,375 SQ.
	LOT #94	3,375 SQ.
	LOT #95	3,375 SQ.
	LOT #96	3,375 SQ.
	LOT #97	3,375 SQ.
	LOT #98	3,375 SQ.
	LOT #99	3,375 SQ.
	LOT #100	3,375 SQ.



34

October 1, 2007
16 32

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- FOR OFFICIAL USE ONLY**

[illegible]

[illegible]

SECOND FLOOR PLAN 1C LOT 2

[illegible]

Call 800-441-1111 for more information.

1

BAY STREET
COSTA MESA, CALIFORNIA

**WATERPOINTE
DEVELOPMENT
COMPANY**

Abstract

07014

11

1

MINOR ELEVATIONS/
OF PLAN

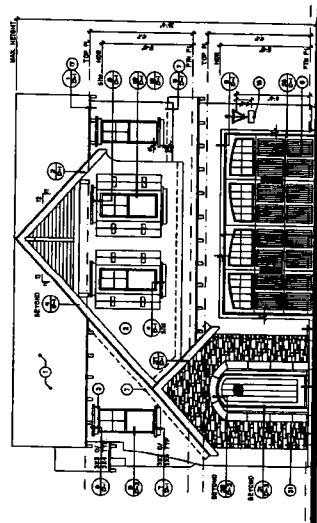
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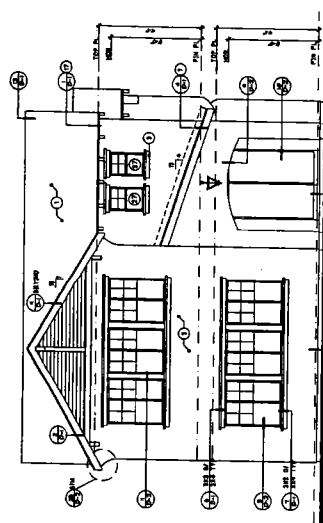
© 2000 Blackwell Science Ltd

© EXT. ELEVATION NOTES:

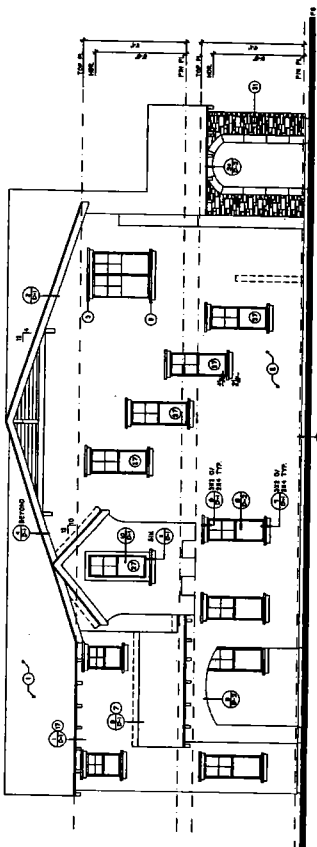
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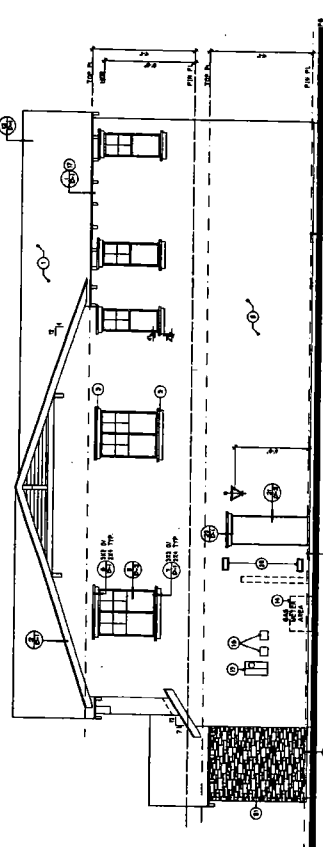
FRONT ELEVATION PLAN 1C
SCALE: 1/4"=1'-0"



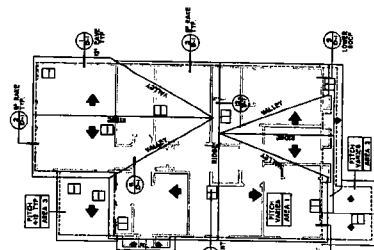
REAR ELEVATION PLAN 1C (LOT 2)



LEFT ELEVATION PLAN 1C
SCALE 1/4"=1'-0"



RIGHT ELEVATION PLAN 1C (LOT 2)



ROOF PLAN 1C

ATTIÇ CALCULATIONS:

[illegible]

[illegible]

THE UNIVERSITY OF CHICAGO PRESS

==Pinto==

**BAY STREET
COSTA MESA, CALIFORNIA**

**WATERPOINTE
DEVELOPMENT
COMPANY**

Direct:

07014
Subject Number:

Print Date: JUN 10, 2007

Sheet Title :
PLAN 2A
FIRST & SECOND
FLOOR PLANS

Sheet No. : A-2.1

THE UNIVERSITY OF CHICAGO

FLOOR PLAN NOTES:

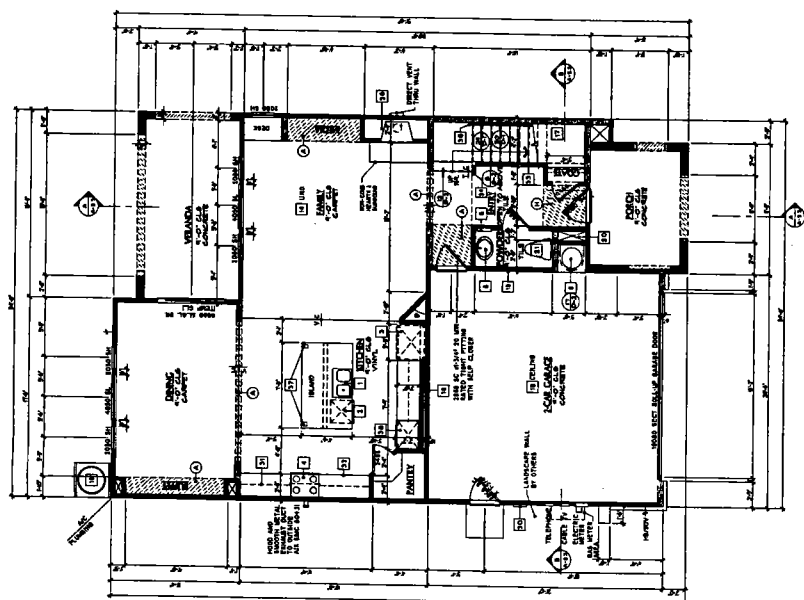
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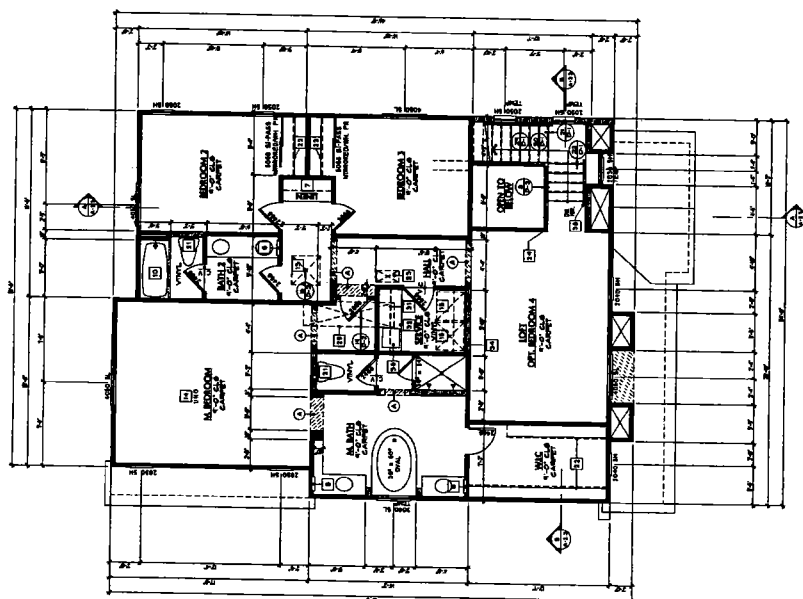
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FLOOR AREA CALCULATIONS:

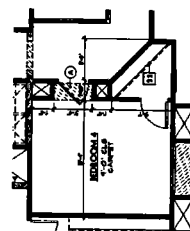
PLAN A	156 SQ. FT.
FIRST FLOOR PLAN	1,320 SQ. FT.
SECOND FLOOR PLAN	2,270 SQ. FT.
TOTAL:	4,950 SQ. FT.
2-CAR GARAGE:	102 SQ. FT.
FRONT PORCH:	148 SQ. FT.
BACK PORCH:	



FIRST FLOOR PLAN 2A (LOT 3)



SECOND FLOOR PLAN 2A (LOT 3)
SCALE: 1/4"=1'-0"



OPTIONAL BEDROOM 4 PLAN 2A

[illegible]

THE UNIVERSITY OF CHICAGO PRESS

Part 1

BAY STREET
COSTA MESA, CALIFORNIA

**WATERPOINTE
DEVELOPMENT
COMPANY**

CHARTER:

Project Number : 07034

Print Date: 11/25/94 9:00:07

2008 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th

Print Date : _____

10

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PLAN 2A
EXTERIOR ELEVATIONS/

ROOF PLAN

Post No. :

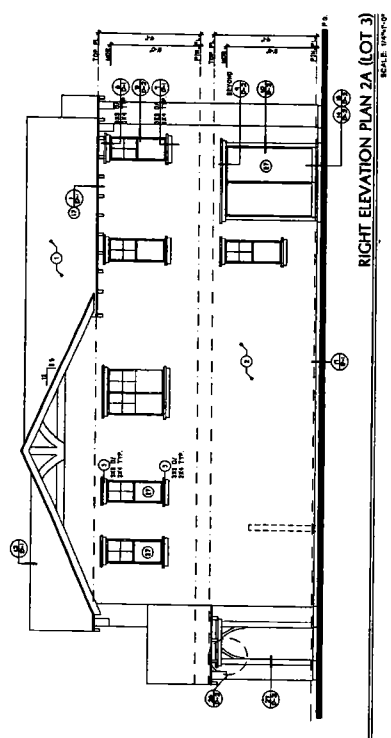
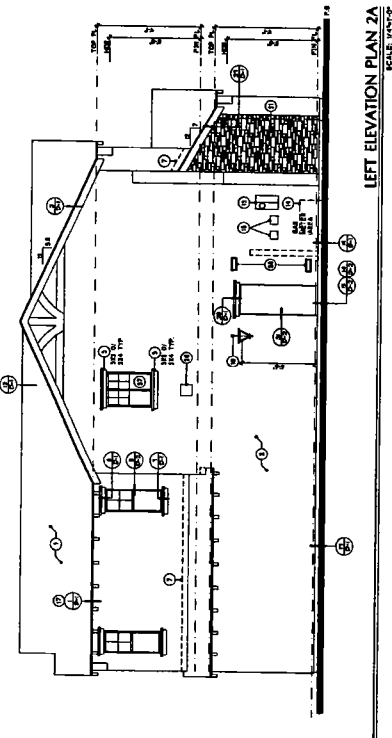
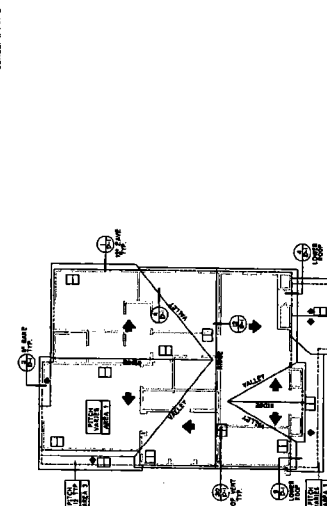
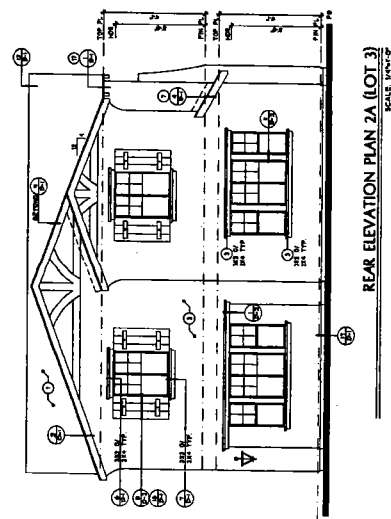
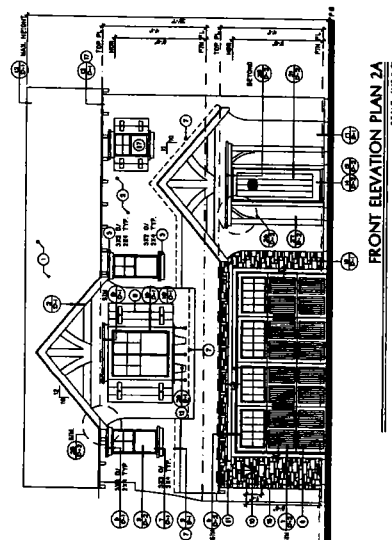
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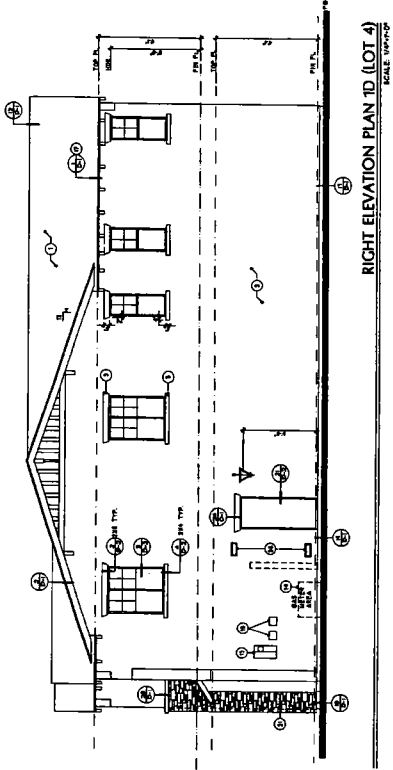
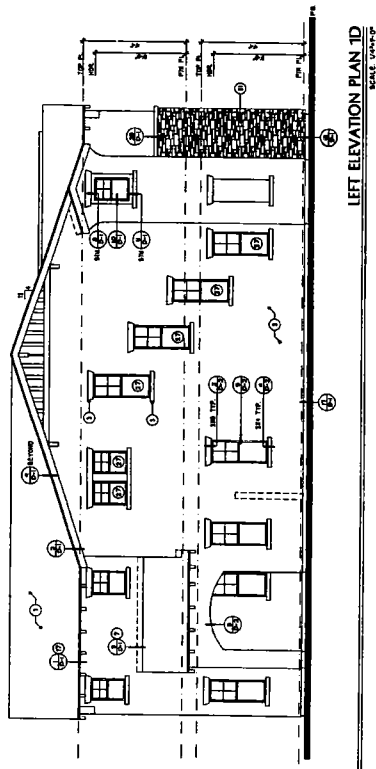
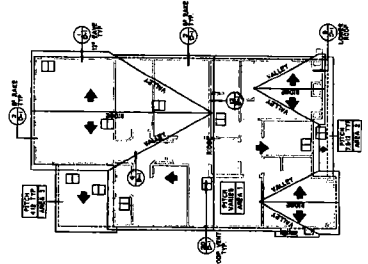
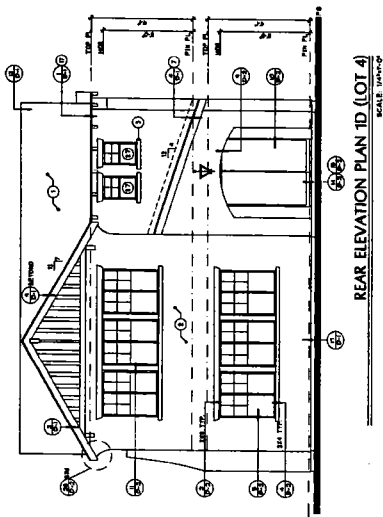
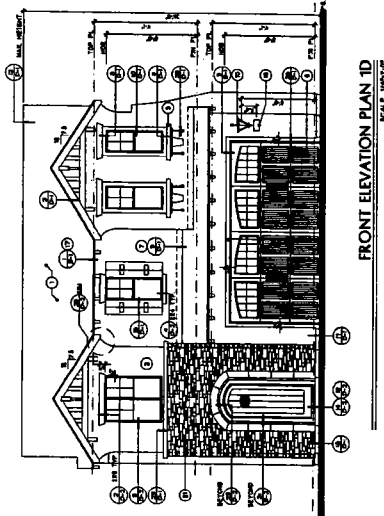
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- ① EXT. ELEVATION NOTES
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© EXT. ELEVATION NOTES:

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ATTIC CALCULATIONS:

[illegible]

42

ROOF PLAN 1D
SCALE: 1/8"=1'-0"

FLOOR PLAN NOTES:

- [illegible]

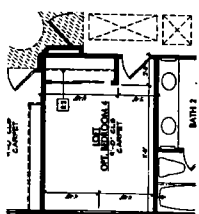
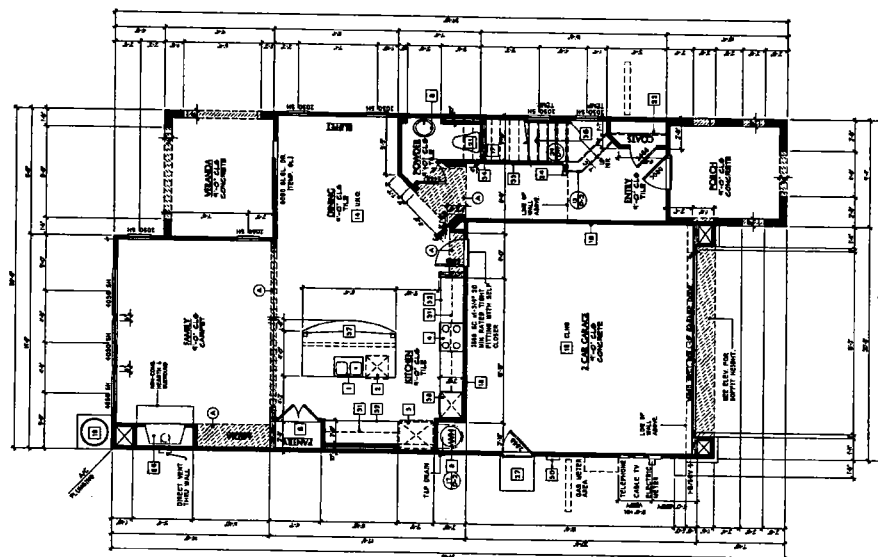
FLOOR PLAN DENOTES:

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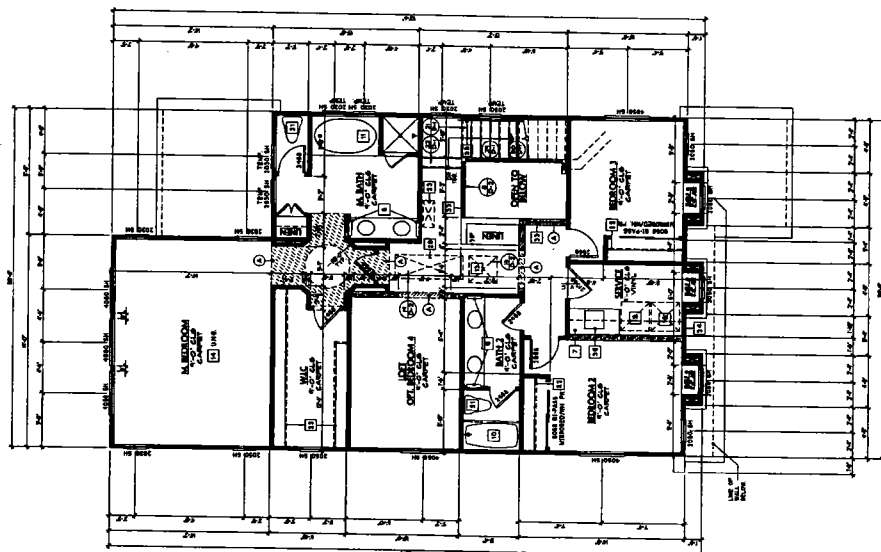
FLOOR AREA CALCULATIONS:

PLAN A	
FIRST FLOOR PLAN	949 SQ. FT.
SECOND FLOOR PLAN	1,290 SQ. FT.
TOTAL:	2,239 SQ. FT.
CAR GARAGE	434 SQ. FT.
FRONT PORCH	97 SQ. FT.
BACK PORCH	107 SQ. FT.

43



OPTIONAL BEDROOM 4 PLAN 1A



SECOND FLOOR PLAN 1A (LOT 5)

FIRST FLOOR PLAN 1A (LOT 5)

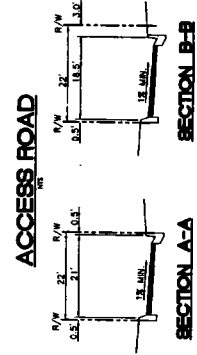
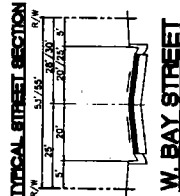
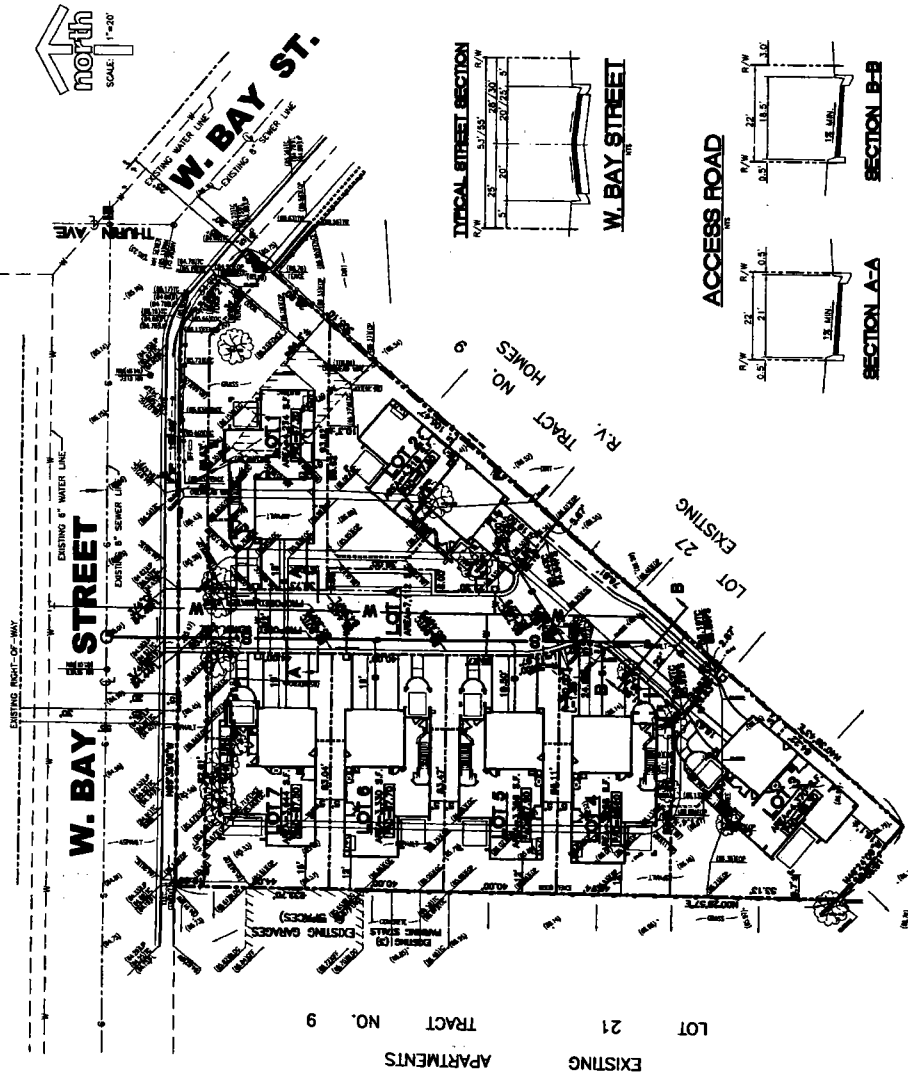
44

[illegible]

TENTATIVE TRACT NO. 17176

THAT PORTION OF LOT 27 OF TRACT NO. 9, IN THE CITY OF COSTA MESA,
COUNTY OF ORANGE, STATE OF CALIFORNIA, SHOWN AND DESCRIBED
IN BOOK 9, PAGE 9, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE
COUNTY RECORDER OF SAID COUNTY.

DATE OF PREPARATION
FEBRUARY 2007



ENGINEER
ROBIN B. HAMERS AND ASSOC., INC.
234 E. 17TH STREET, SUITE 205
COSTA MESA, CA 92627
(949) 548-1192

PROPOSED LOTS
7 SINGLE FAMILY HOMES

EASEMENTS
NONE

LEGEND:

- PROPERTY LINE
- STREET CENTERLINE
- SPOT ELEVATION
- TOP OF FINISHED GRADE
- TOP OF CONCRETE
- TOP OF CURB ELEVATION
- FINISHED SURFACE
- PROPOSED ROAD ELEVATION
- BACK OF WALK
- BACK OF FLOOR
- BACK OF WALK
- BACK OF FLOOR
- BACK OF WALK
- BACK OF FLOOR

AREA SUMMARY (ACRES)

LOT 1	4,274 SF (0.098)
LOT 2	4,218 SF (0.096)
LOT 3	4,370 SF (0.100)
LOT 4	3,268 SF (0.075)
LOT 5	3,268 SF (0.075)
LOT 6	3,330 SF (0.076)
LOT 7	3,330 SF (0.076)
LOT 8	3,330 SF (0.076)
LOT 9	3,330 SF (0.076)
LOT 10	3,330 SF (0.076)
TOTAL	37,272 SF (0.853)

(AREA OF SITE)

ADJACENT PARCEL NAMES

APR 119-221-02

SETBACK REQUIREMENTS

FRONT SETBACK: 20 FEET
SIDE SETBACK: 5 FEET
REAR SETBACK: 20 FEET

LEGAL DESCRIPTION

THAT PORTION OF LOT 27 OF TRACT NO. 9, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, SHOWN AND DESCRIBED IN BOOK 9, PAGE 9, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

BASE OF BEARING

THE BEARINGS SHOWN HEREON ARE BASED UPON THE BEARING BETWEEN O.C.'S HORIZONTAL CONTROL STATION 95 NO. 6234 AND THE POINT OF BEGINNING NORTH 27°25'35" WEST PER RECORDS ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR.

OWNER AND SUBOWNER

RICHARD BICK & ASSOCIATES
10000 UNIVERSITY AVENUE, SUITE 220
NEWPORT BEACH, CA 92660
(949) 442-8315

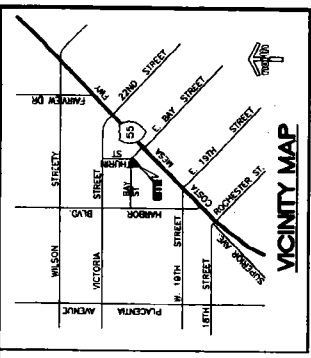
SITE ADDRESS

351 WEST BAY STREET
COSTA MESA, CA 92627

FLOOD ZONE

ZONE X, OUTSIDE THE 500 YEAR
FLOOD BOUNDARIES

49



RECEIVED
COSTA MESA
AUG 2 2 2007

PREPARED BY:
ROBIN B. HAMERS & ASSOC., INC.
CIVIL ENGINEERS
234 E. 17TH STREET, SUITE 205
COSTA MESA, CA 92627
(949) 548-1192



NO.	DATE	DESCRIPTION	BY
REVISIONS			

TENTATIVE TRACT NO. 17176
351 W. BAY STREET
COSTA MESA, CALIFORNIA